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5-10-02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHAN HUE

Plaintiff

v.

JAMES UPDIKE, P.A., JOSEPH
MATALONI, EDWARD O'BRIEN
and DALE HAZLAK

Defendants

CIVIL ACTION NO. 1:CV-01-1064

(Judge Kane)
(Magistrate Judge Smyser)

FILED
HARRISBURG

MAY - 9 2002

MARY E. D'ANDREA, CLERK

Per. 
DEPUTY CLERK

ORDER


Before the court in the captioned action is a April 15, 2002 report of the magistrate judge recommending that the pending motions to dismiss be denied and that the case be remanded to the magistrate judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY**

ORDERED THAT:

1) The court adopts the report and recommendation of Magistrate Judge Smyser.

2) The motions to dismiss (Doc. Nos. 14 and 17) are **DENIED**. The case is hereby **REMANDED** to Magistrate Judge Smyser.

Dated: May , 2002.


YVETTE KANE
United States District Judge